

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TYSON GARCIA,

Petitioner,

vs.

Respondent.

**8:23CV71**

**MEMORANDUM AND ORDER**

On March 2, 2023, the Court directed Petitioner Tyson Garcia to pay the filing fee or submit a motion to proceed in forma pauperis within 30 days or face dismissal of this action. The Court further ordered Petitioner to file an amended petition for writ of habeas corpus under [28 U.S.C. § 2241](#) that was originally signed under penalty of perjury within 30 days. [Filing No. 3](#). To date, Petitioner has not paid the filing fee, submitted a motion to proceed in forma pauperis, or filed an amended petition, and the time in which to do so has passed.

IT IS THEREFORE ORDERED that: This case is dismissed without prejudice because Petitioner failed to prosecute it and failed to comply with this Court's orders. No certificate of appealability has been or will be issued. The Court will enter judgment by a separate document.

Dated this 26th day of April, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon  
Senior United States District Judge